UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA	) 08 JUL - 1 AM 11:52
	) Magistrate Docket No.____ '08 MJ 2010
	)
	) COMPLAINT FOR VIOLATION OF:
Plaintiff	) BY: DEPUTY ECU
	) TITLE 18 U.S.C. § 1544
v.	) Misuse of Passport (Felony)
	)
Agustin Jaime BARRAGAN-VAZQUEZ	)
	)
Defendant	)
	)
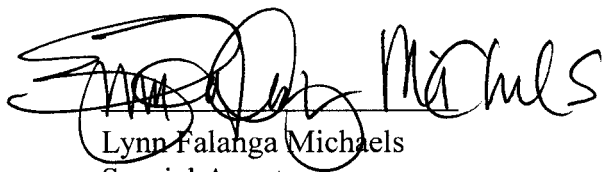
The undersigned complainant, being duly sworn, states:

On or about June 30, 2008, within the Southern District of California, Defendant Agustin Jaime BARRAGAN-VAZQUEZ did knowingly and willfully use a U.S. Passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry into the United States by presenting U.S. Passport number 710488790, issued to Eric Christian GERARD to a Department of Homeland Security, Customs and Border Protection Officer at the San Ysidro Port of Entry, knowing full well that he was not Eric Christian GERARD, and that the U.S. Passport was not issued or designed for his use; all in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Lynn Falanga Michaels
Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This _____1st_____ day of ___July___, 2008.
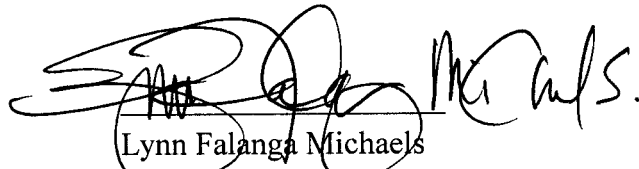
_____UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Lynn Falanga Michaels, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1.   I am a Special Agent (SA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for ten years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2.   During the performance of my duties, I have obtained evidence that Agustin Jaime BARRAGAN-VAZQUEZ, hereafter referred to as DEFENDANT, used a U.S. Passport, not belonging to him, as identification to apply for entry into the U.S. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport

3.   On or about June 30, 2008, DEFENDANT presented U.S. Passport number 710488790 in the name of Eric Christian GERARD to a CBP Officer with the intent to gain entry to the U.S. DEFENDANT was referred to secondary inspection where he was fingerprinted and his true identity of DEFENDANT was revealed as Agustin Jaime BARRAGAN-VAZQUEZ.

4.   Affiant conducted checks of the U.S. Department of State U.S. Passport database and learned that U.S. Passport number 710488790 had been issued on May 3, 2004 to Eric Christian GERARD. DEFENDANT did not resemble the photograph in the aforementioned Passport.

5.   On June 9, 2008 at approximately 1820 hrs, Reporting Agent and a CBP Officer interviewed DEFENDANT at the San Ysidro Port of Entry. DEFENDANT read a Miranda warning and waived his rights by signing this form. DEFENDANT was shown and asked if the aforementioned Passport was the Passport he used to attempt to enter the United States on this day. DEFENDANT admitted that this was the Passport he used on this day. Reporting Agent asked additional questions about the name and date of birth on the Passport and DEFENDANT invoked his right to counsel at which time the interview was terminated.

6.   At the conclusion of the interview, Reporting agent asked DEFENDANT if he would like to write a statement which he did. In that statement, DEFENDANT admitted his true name was Agustin Jaime BARRAGAN-VAZQUEZ.

- DEFENDANT named in this probable cause statement, committed the offense on June 30, 2008 – in violation of Title 18 U.S.C., Section 1544, Misuse of a Passport – when he knowing and willfully used the U.S. Passport belonging to another, Eric Christian GIRARD, knowing that it was not issued to him or designed for his use.

Lynn Falanga Michaels
Special Agent
U.S. Department of State
Diplomatic Security Service